

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

BRILEY PIPER, Petitioner, vs. THE ATTORNEY GENERAL OF THE STATE OF SOUTH DAKOTA, DAN SULLIVAN, WARDEN, SOUTH DAKOTA STATE PENITENTIARY; Respondent.	5:20-CV-05074-RAL ORDER CERTIFYING CONSTITUTIONAL CHALLENGE
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Petitioner Briley Piper's brief, Doc. 131, challenges the constitutionality of the Antiterrorism and Effective Death Penalty Act of 1996. Federal Rule of Civil Procedure 5.1(b) requires courts to certify to the "appropriate attorney general" when the constitutionality of a federal statute is being questioned and the United States is not a party to the case. Piper argues that the Supreme Court's decision in Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244 (2024), shows the "unconstitutionality of deference under 28 U.S.C. § 2254." Doc. 132. Piper has provided notice of his constitutional challenge and now asks that this Court provide notice as well. For good cause, it is

ORDERED that the Clerk of Court's Office mail this order, along with Doc. 131, to:

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

and

Assistant Attorney General for Administration
U.S. Department of Justice
Justice Management Division
950 Pennsylvania Avenue NW
Room 1111
Washington DC 20530-0001

DATED this 1st day of November, 2024.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE